

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AARON GRUBBS,)
Plaintiff,) CIVIL ACTION NO.:
Vs.) 2:05-CV-604
CITY OF EUFAULA, ALABAMA,)
Defendant.)

The video deposition of AARON GRUBBS
taken pursuant to the Federal Rules of Civil
Procedure before Karen D. Strickland, Court
Reporter and Notary Public, State at Large, at
the law offices of Cobb, Shealy, Crum & Derrick,
206 North Lena Street, Dothan, Alabama, on the
21st day of November, 2005, commencing at
approximately 9:00 a.m.

CONDENSED



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<p>1 page of Exhibit 3?</p> <p>2 A. Yes.</p> <p>3 Q. Exhibit 3 is a two-page document?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Is that yes?</p> <p>6 A. Yes, sir.</p> <p>7 Q. When you signed the first page of</p> <p>8 Exhibit 3, was the second page already attached</p> <p>9 to it?</p> <p>10 A. Yes, I believe so.</p> <p>11 Q. In other words, you saw the second</p> <p>12 page of Exhibit 3 at the time you signed the</p> <p>13 first page?</p> <p>14 A. I believe I did. I'm not sure.</p> <p>15 Q. Have you ever seen the second page</p> <p>16 before?</p> <p>17 A. Yes, I have.</p> <p>18 Q. That -- are those your words?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you write the words on the second</p> <p>21 page of Exhibit 3?</p> <p>22 A. Yes, sir.</p> <p>23 Q. What is the source of your information</p>	<p>1 A. No, sir, not that I know of.</p> <p>2 Q. In other words, you put everything</p> <p>3 that you knew down in your EEOC charge?</p> <p>4 A. Yes, sir, far as I can remember at</p> <p>5 that time.</p> <p>6 Q. One of the things that you wrote in</p> <p>7 your EEOC charge is that some of the police</p> <p>8 officers that the City of Eufaula hired had</p> <p>9 domestic violence charges against them?</p> <p>10 A. Yes, sir, that's correct.</p> <p>11 Q. Which officers are those?</p> <p>12 A. Well, I know that -- I spoke with one</p> <p>13 former deputy sheriff, Captain Tim Marsh, that</p> <p>14 he had beat his wife up and he had charges.</p> <p>15 Matter of fact, he was one of the arresting</p> <p>16 officers.</p> <p>17 Q. Wait, let me make sure I'm getting</p> <p>18 this clear. You're saying you spoke to a deputy</p> <p>19 sheriff?</p> <p>20 A. Former deputy sheriff.</p> <p>21 Q. Former deputy sheriff. What was that</p> <p>22 man's name?</p> <p>23 A. Chauncey Woods.</p>
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<p>1 for the words on the second page of Exhibit 3?</p> <p>2 A. Well, what is the source of my words?</p> <p>3 Q. Right, the source of your information</p> <p>4 to write that?</p> <p>5 A. Well, police officers talk to one</p> <p>6 another. We talk to each other. So near about</p> <p>7 all police officers knows what's going on with</p> <p>8 other police officers. They won't talk it with</p> <p>9 other peoples, but we do talk among ourselves.</p> <p>10 So we discuss other officers and what happens</p> <p>11 with them.</p> <p>12 Q. Are you telling me that in the case of</p> <p>13 page 2 of Exhibit 3 that you obtained this</p> <p>14 information from other police officers?</p> <p>15 A. Oh, yes.</p> <p>16 Q. Which police officers?</p> <p>17 A. I can't remember all their names now.</p> <p>18 Like I say, we just talk. I don't know who said</p> <p>19 what, so I can't really tell you that.</p> <p>20 Q. Can you tell me any names?</p> <p>21 A. At this time, no, sir, I can't.</p> <p>22 Q. Did you withhold any information from</p> <p>23 Exhibit 3?</p>	<p>1 Q. Chauncey Woods. Chauncey Woods told</p> <p>2 you that Captain Tim Marsh had been arrested for</p> <p>3 domestic violence?</p> <p>4 A. Yes.</p> <p>5 Q. Was that in Barbour County?</p> <p>6 A. In Barbour County.</p> <p>7 Q. Was he convicted?</p> <p>8 A. I don't know that.</p> <p>9 Q. So you don't know if Captain Marsh was</p> <p>10 guilty or not guilty?</p> <p>11 A. I don't know that. You have to talk</p> <p>12 to Chauncey Woods.</p> <p>13 Q. Chauncey Woods told you that he</p> <p>14 arrested Captain Tim Marsh?</p> <p>15 A. He was one of the officers that was</p> <p>16 out there that -- the arresting officer.</p> <p>17 Q. He was present when the arrest</p> <p>18 occurred?</p> <p>19 A. Yes, yes.</p> <p>20 Q. You don't know if he was the one that</p> <p>21 actually swore out the complaint or not?</p> <p>22 A. No, I don't.</p> <p>23 Q. Chauncey Woods was not -- who was he</p>

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1 when he was -- he was just -- he's just a
 2 civilian, isn't he?
 3 A. He was a deputy sheriff.
 4 Q. Well, now, though, he just works for
 5 the Mark Dunning Industries --
 6 A. That's correct.
 7 Q. -- riding on the back of a garbage
 8 truck, doesn't he?
 9 A. I don't know about all that. All I
 10 know he works for Mark Dunning. I don't know
 11 what he do.
 12 Q. Okay.
 13 A. Whether he work on the back of a
 14 garbage truck is not important.
 15 Q. Right. But my point is, he's not a
 16 Eufaula police officer?
 17 A. No.
 18 Q. Never has been, as far as you know?
 19 A. Not that I know of.
 20 Q. Okay. And you never confirmed that
 21 Captain Tim Marsh has ever been convicted of a
 22 domestic violence crime?
 23 A. No, but you can.

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1 Q. But you didn't confirm that before you
 2 put that in your EEOC charge?
 3 A. No, I didn't.
 4 Q. Do you know of any other Eufaula
 5 police officer that has ever had any domestic
 6 violence charges against them?
 7 A. I believe it's Sergeant Nadine Brown.
 8 Q. Sergeant Nadine Brown. That's a
 9 woman?
 10 A. Yes.
 11 Q. Let me ask you this. Is Captain Marsh
 12 a black male or a white male?
 13 A. White.
 14 Q. White male. Is Sergeant Brown black
 15 or white?
 16 A. White female.
 17 Q. White female. And what do you know
 18 about Sergeant Brown?
 19 A. Oh, I know a lot. I remember when I
 20 was living in Clayton they had so -- her and her
 21 husband had so many fights that it actually went
 22 in the papers. And I've been looking for that
 23 and I will find that article. That they was

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1 tired of going out there, there was so many.
 2 Q. Was she arrested?
 3 A. I'm sure she was.
 4 Q. You don't know that for sure?
 5 A. I don't know that for sure.
 6 Q. What law enforcement agency would have
 7 arrested Sergeant Nadine Brown?
 8 A. Barbour County Sheriff's Department.
 9 Q. So I can look to the Barbour County
 10 Sheriff's Department to see if that ever
 11 happened?
 12 A. Yes.
 13 Q. Sergeant Nadine Brown, do you know how
 14 old she is?
 15 A. No, I don't.
 16 Q. And since you don't know for sure that
 17 she was arrested, you wouldn't know for sure
 18 whether she was ever arrested of domestic
 19 violence either?
 20 A. No, I don't.
 21 Q. Anybody else at the Eufaula Police
 22 Department that you have some information that
 23 leads you to believe that they have ever been

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1 arrested for domestic violence?
 2 A. Well, there's one that's a chief of
 3 police now. Dexter Hammond that works for the
 4 -- that work for Eufaula.
 5 Q. He once worked for Eufaula years ago?
 6 A. Yes, he did.
 7 Q. How many years ago?
 8 A. I don't know. Probably five, six
 9 years ago.
 10 Q. And he's been chief in Baker Hill
 11 since then?
 12 A. He's been chief in Baker Hill and now
 13 he's chief of Midland City.
 14 Q. Right. So we don't know exactly how
 15 long ago that was?
 16 A. No, we don't.
 17 Q. Are you saying he was convicted or
 18 just arrested?
 19 A. He was arrested and convicted, but I
 20 can't speak a whole lot about that, because that
 21 was as a juvenile.
 22 Q. As a juvenile. And that can't be
 23 considered because it's not a criminal

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<p>1 conviction, it's a juvenile adjudication, right?</p> <p>2 A. I -- I don't know about that.</p> <p>3 Q. It's an adjudication of delinquency?</p> <p>4 A. I think robbery should be robbery</p> <p>5 regardless of what it is.</p> <p>6 Q. Well, in any event --</p> <p>7 A. I would have -- I believe I would</p> <p>8 rather have a officer with bad checks than</p> <p>9 robbery charges.</p> <p>10 Q. Well, setting personal opinions</p> <p>11 aside --</p> <p>12 A. Yes, sir.</p> <p>13 Q. -- Dexter Hammond, so far as you know,</p> <p>14 does not have any adult criminal convictions?</p> <p>15 A. I don't know.</p> <p>16 Q. You don't know of any?</p> <p>17 A. No.</p> <p>18 Q. How did you find out about this</p> <p>19 robbery?</p> <p>20 A. Like I told you, police officers talk</p> <p>21 among themselves.</p> <p>22 Q. So that's just kind of gossip among</p> <p>23 officers?</p>	<p>1 these conversations in Midland City?</p> <p>2 A. No, I wasn't.</p> <p>3 Q. Okay. You've heard that Dexter</p> <p>4 Hammond had a robbery charge as a juvenile?</p> <p>5 A. Many. Not one, many.</p> <p>6 Q. Many robbery charges as a juvenile,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. You don't have any documents to</p> <p>10 prove that?</p> <p>11 A. No, I don't. They hush everything up</p> <p>12 in Barbour County if it deal with white peoples.</p> <p>13 Q. Besides Captain Marsh, Sergeant Brown,</p> <p>14 and Dexter Hammond, do you have any information</p> <p>15 concerning any other Eufaula --</p> <p>16 A. Yes, there's a lady by the name of</p> <p>17 Terri. I can't think of her last name. I want</p> <p>18 to say Owens, but I don't want to be for sure.</p> <p>19 I don't want to be -- don't quote me on that.</p> <p>20 That has been in trouble constantly, domestic</p> <p>21 violence with the husband, since she's been</p> <p>22 working with the Eufaula Police Department.</p> <p>23 Q. Is she an officer?</p>
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<p>1 A. I don't think it's gossip.</p> <p>2 Q. Well, what is it that you know that</p> <p>3 enables you to classify it as more reliable than</p> <p>4 mere gossip?</p> <p>5 A. Well, I don't believe it's gossip.</p> <p>6 You know, you can say it's gossip, but I don't</p> <p>7 think -- I think you can check it and find out</p> <p>8 if it's facts or not.</p> <p>9 Q. Well, I can't check juvenile records.</p> <p>10 But what I'm asking you is what -- I mean, you</p> <p>11 know, gossip is a -- I guess a term I throw out,</p> <p>12 and you may obviously have the right to</p> <p>13 disagree, but what I'm asking you is, what makes</p> <p>14 you disagree -- did Dexter Hammond tell you</p> <p>15 about it or did you see some records or you</p> <p>16 just --</p> <p>17 A. Other officers talks about it, okay.</p> <p>18 Q. Okay. But besides hearing other</p> <p>19 officers say it --</p> <p>20 A. There was something that came up when</p> <p>21 he became chief in Midland City about this.</p> <p>22 Some things was in the papers also.</p> <p>23 Q. Were you personally a party to any of</p>	<p>1 A. Yes, she is.</p> <p>2 Q. Has she been arrested?</p> <p>3 A. I think so.</p> <p>4 Q. You don't know for sure?</p> <p>5 A. I don't know for sure.</p> <p>6 Q. Who would have arrested her if she was</p> <p>7 arrested?</p> <p>8 A. I don't know.</p> <p>9 Q. Is Terri Owens a white or black</p> <p>10 female?</p> <p>11 A. She's a white female.</p> <p>12 Q. White female, okay. What -- what part</p> <p>13 of the department does she work in?</p> <p>14 A. I don't know that either. All I know</p> <p>15 is she's a patrolman.</p> <p>16 Q. A patrolman. Do you know if she works</p> <p>17 day or night?</p> <p>18 A. I don't know that either.</p> <p>19 Q. Since you're not sure about her last</p> <p>20 name, I'm trying to get as much information as I</p> <p>21 can so I will know what person you're talking</p> <p>22 about.</p> <p>23 A. Oh, I'm sure I can get you the last</p>

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1 name.

2 Q. Can you provide that to Mr. Newman

3 so --

4 A. Yes, I can.

5 Q. -- he can provide that to me?

6 A. Yes, I can.

7 Q. All right. Any other present or

8 former Eufaula employee that you know of or

9 believe has been arrested?

10 A. Keith Bongay (spelling), I'm not sure

11 that he was been arrested. I'm not sure about

12 that. But I know he did get into some trouble

13 with Eufaula and resigned, and Eufaula hired him

14 back recently.

15 Q. Do you know anything about that

16 firsthand?

17 A. All -- firsthand?

18 Q. Right.

19 A. No, I don't. Like I say, it's between

20 us, the police officers. I did speak to some

21 officers about it and I was told that the file

22 was sealed, and if you go in the file that they

23 would know that you have accessed it.

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1 Q. Any other Eufaula officer, either

2 present or former, that you have reason to

3 believe has been arrested?

4 A. That's all, but I intend to look for

5 more to see if I can find out more.

6 Q. So you have given me the names of five

7 people?

8 A. Yes.

9 Q. And of those five people, these are

10 people that you have heard other people say that

11 they have been either arrested or in some kind

12 of trouble with the law?

13 A. That's correct.

14 Q. For these five people you do not have

15 any firsthand personal knowledge that any of

16 that information is actually true?

17 A. No, sir, at this time I do not.

18 Q. Do you know of any present or former

19 employee of the Eufaula police department that

20 has had 39 convictions?

21 A. No, I don't know.

22 Q. Do you know of any present or former

23 employee of the Eufaula Police Department that

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1 has had 10 convictions?

2 A. I don't know.

3 Q. Do you know of any present or former

4 employee of the Eufaula Police Department that

5 has had five convictions?

6 A. I don't know.

7 Q. Do you have firsthand knowledge of any

8 present or former employee of the Eufaula Police

9 Department who has ever had even one conviction?

10 A. I don't know.

11 Q. You don't actually know how many

12 police officers the City of Eufaula hired after

13 you submitted your application?

14 A. No, sir, I don't.

15 Q. You don't know the names of any of

16 those officers?

17 A. No, I do not.

18 Q. You do not know the backgrounds on any

19 of those officers?

20 A. No, I don't.

21 Q. You do not know whether any of those

22 officers were certified or uncertified?

23 A. No, I don't. But I'm sure we can find

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1 out.

2 Q. Did you tell the EEOC that the police

3 chief is a convicted felon?

4 A. Did I tell them?

5 Q. (Nods Head).

6 A. No, I didn't.

7 Q. You didn't tell the EEOC that the

8 Eufaula police chief was a convicted felon?

9 A. No, I didn't. Somebody has some wrong

10 information.

11

12 (Whereupon, Defendant's Exhibit 4

13 was marked for identification and

14 same is attached hereto.)

15

16 Q. Is Exhibit 4 a copy of the EEOC's

17 notice dismissing your EEOC charges?

18 A. I think this is it.

19 Q. That appears to be it?

20 A. Yes.

21 Q. What firsthand evidence do you have

22 that your race was a factor in the City of

23 Eufaula's decision not to hire you?

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<p>1 A. What -- repeat the question now.</p> <p>2 Q. What -- what firsthand evidence do you</p> <p>3 have? Let me ask that a different way. What</p> <p>4 evidence do you have firsthand knowledge of?</p> <p>5 A. Well, first of all --</p> <p>6 Q. Let me get it out --</p> <p>7 A. Okay.</p> <p>8 Q. -- so it will be clearer. What</p> <p>9 evidence do you have firsthand knowledge of that</p> <p>10 your race was a factor in the City of Eufaula's</p> <p>11 decision not to hire you?</p> <p>12 A. Well, first of all I live in Barbour</p> <p>13 County, so I know how Eufaula is, okay. I know</p> <p>14 the racial situation up there. Nobody have to</p> <p>15 tell me, I know for myself. And also, I was a</p> <p>16 certified officer. They have hired white folks</p> <p>17 that had criminal records. So why not me?</p> <p>18 Q. Well, what -- we covered all your</p> <p>19 knowledge --</p> <p>20 A. Right.</p> <p>21 Q. -- about other people and that's why I</p> <p>22 wanted to limit this question to firsthand</p> <p>23 knowledge, because I believe you told me you</p>	<p>1 Q. You don't know if he was in a hurry?</p> <p>2 A. No, I don't. No, he wasn't in a</p> <p>3 hurry.</p> <p>4 Q. Well, do you know what his plan -- his</p> <p>5 schedules were for that day?</p> <p>6 A. No. No, I don't.</p> <p>7 Q. Nobody ever told you that your race --</p> <p>8 let me ask it this way. Nobody from the City of</p> <p>9 Eufaula Police Department ever told you that you</p> <p>10 were not hired because you were black?</p> <p>11 A. No.</p> <p>12 Q. Do you know anyone else who applied</p> <p>13 for a job at the City of Eufaula around the time</p> <p>14 you did?</p> <p>15 A. I don't know. You can pull the</p> <p>16 applications and you will find out. I mean, you</p> <p>17 will have to check that yourself. I don't know.</p> <p>18 Q. I'm just trying to find out what you</p> <p>19 know, Mr. Grubbs.</p> <p>20 A. I don't know. I mean, I don't know if</p> <p>21 applications --</p> <p>22 Q. You didn't have a buddy that you went</p> <p>23 in with?</p>
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<p>1 didn't have any firsthand about those other</p> <p>2 people you listed. So my question is, what</p> <p>3 firsthand knowledge do you have that your race</p> <p>4 was a factor?</p> <p>5 A. When I -- when I talked to Tim Marsh</p> <p>6 -- Tim Marsh, I could tell by his reaction he</p> <p>7 really -- his speech was slow towards me. And</p> <p>8 needing 10 to 12 officers, you know, looked like</p> <p>9 he would have been jumping at that chance. But</p> <p>10 it was sort of, Yeah, we need officers, you</p> <p>11 know. And I got the feeling then, you know,</p> <p>12 there was something wrong. And I hadn't -- he</p> <p>13 hadn't ran no check on me so he didn't know</p> <p>14 anything that I had had in my background, okay.</p> <p>15 Q. So you're saying you got an uneasy</p> <p>16 feeling from talking to Captain Marsh?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Do you know what else was going on in</p> <p>19 Captain Marsh's day that day?</p> <p>20 A. No, I don't.</p> <p>21 Q. You don't know if he had other --</p> <p>22 other things on his mind?</p> <p>23 A. Right.</p>	<p>1 A. No.</p> <p>2 Q. Or anything like that?</p> <p>3 A. No, no.</p> <p>4 Q. You're not going to say, This guy went</p> <p>5 in with me --</p> <p>6 A. No.</p> <p>7 Q. -- and he got treated this way and I</p> <p>8 got treated that way?</p> <p>9 A. No.</p> <p>10 Q. Or anything like that?</p> <p>11 A. No.</p> <p>12 Q. That's why I'm -- I'm just --</p> <p>13 A. I understand.</p> <p>14 Q. I understand that you've got</p> <p>15 limitations on what you know and I don't want</p> <p>16 you to exceed those, but you personally do not</p> <p>17 know of anyone else who applied to be a police</p> <p>18 officer in Eufaula in 2004 or 2005?</p> <p>19 A. There were some, but I don't know</p> <p>20 their names.</p> <p>21 Q. Do you know them personally even</p> <p>22 though you don't know their names?</p> <p>23 A. No, I don't.</p>